



Making a complaint against a Member of the Pensions Appeal Tribunal Scotland

The President of Pensions Appeal Tribunal Scotland (PATS) has appointed the Judicial Office for Scotland to supervise the operation generally of the Complaints Procedure, report to the President about any matters as appropriate and to carry out functions as specified by the procedure.

This guidance document has been approved by the President of PATS.

A copy of the Complaints Procedure for the Pensions Appeal Tribunal Scotland 2024 (“the Complaints Procedure”) can be accessed on the PATS website.

All complaints should be sent the Judicial Office for Scotland; you can send your complaint:

- By post to:
Judicial Office for Scotland
Parliament House
Edinburgh
EH1 1RQ
- By email: judicialofficeforscotland@scotcourts.gov.uk
- Using the standard complaints [form](#)

Before sending your complaint you should first read the rest of this leaflet. This will ensure that you are contacting the correct place and that you provide the necessary information to allow us to process your complaint.

Please note that we are not able to intervene in, or influence the outcome of proceedings before the PATS. If your complaint is upheld, it will not have any bearing on the progress or outcome of any associated case before PATS.

Who can I complain about?

Under the Complaints Procedure, we can accept complaints about members of PATS. If you are unsure if we can deal with your complaint, please contact us using the details on page 1.

What can I complain about?

We can only consider complaints about a member's **personal conduct**. We cannot consider complaints about a decision of PATS or the way a case has been managed.

The definition of personal conduct covers a wide range of behaviour both in and outside of tribunal hearings. However, you should understand that on occasions a tribunal member may have to be firm, direct or assertive in his or her management of a case.

It is not possible to provide a definitive list of what is considered personal misconduct. However, below are some examples of the types of matters we can and cannot investigate.

We can investigate	We <u>cannot</u> investigate
<ul style="list-style-type: none">• The use of racist, sexist or offensive language• Falling asleep during a hearing• Misusing judicial status for personal gain or advantage• Conflict of interest	<ul style="list-style-type: none">• A judicial decision or order• The impact of the decision made• What evidence should be, or has been, considered• Decisions about hearing programming, case management or conduct of proceedings• Who should be allowed to participate in a hearing• Allegations of criminal activity

For further information on what may be considered misconduct, it may be useful to look at the [Guidance to Judicial Office Holders on Judicial Ethics in Scotland](#) for the Scottish Judiciary. This is a document that describes the principles and standards which tribunal members should adhere to in their personal and professional lives.

Time Limit

A complaint must be made within **3 months** of the incident you wish to complain about. For example if the matter you wish to complain about occurred on 10 April 20XX your complaint must reach the Judicial Office by close of business on 9 July 20XX.

The time limit for making a complaint will be extended only in **exceptional circumstances**. You may seek an extension by providing the reasons behind your delay within your original complaint document. If you do not provide sufficient information, the Judicial Office for Scotland will write to you requesting that you provide this within 4 weeks. If this is not received, your complaint will be closed. **Please note, that we do not regard ignorance of the Rules in itself as an exceptional circumstance.**

What do we need from you?

To enable us to accept your complaint, we ask that you provide as much of the information listed below as possible.

You must provide the following (your complaint will not be accepted without it):

- Your name
- An address that we can use to contact you (if providing both a postal and email address please indicate your preferred contact method)
- The name of the tribunal member whom you wish to complain about
- The date or dates of the alleged misconduct you wish to complain about
- Specific details of the alleged misconduct you wish to complain about

Please note we cannot accept a complaint document that indicates that you do not want the tribunal member to see it or any documents which accompany it.

It will also assist us if you could provide the following;

- The building where the tribunal hearing took place (if applicable)
- The relevant case number (if known)
- Copies of any documents that you are relying on to support your complaint

It is important that you provide enough information for us to consider your complaint. For example, it is not enough to simply say that “They were rude to me”. You will need to explain what was said or done by the member that you felt was rude; providing examples of the language used or behaviour shown.

If we are considering dismissing your complaint because it does not contain sufficient information, you will be offered a further **28 working days** to provide the necessary details. Failure to provide further information may result in your complaint being treated as withdrawn and the complaint file may be closed.

What happens when I have complained?

- Each complaint is handled in accordance with the Complaints Procedure for the Pensions Appeal Tribunal Scotland 2024.
- If we are unable to help you we will try to direct you to other organisations that may be able to assist. Please see page 5 for useful websites.
- The Judicial Office will acknowledge your complaint within 5 working days of receipt.
- If we are unable to accept your complaint we will clearly explain to you why this is.
- If your complaint is dismissed, the Judicial Office will write to you explaining why.
- If your complaint is not dismissed by the Judicial Office, your complaint will be sent to the President of PATS, who will carry out an assessment and will dismiss any complaint they deem frivolous, vexatious or totally without merit.
- Where a complaint is not dismissed by the President of PATS following their assessment, the President will seek comments on the allegations from the person you have complained about and any other people as considered appropriate.
- Once your complaint has been investigated by the President of PATS, the President will write to you detailing the findings and any proposed action to be taken.

Getting help to make your complaint

We understand that you may be unable, or reluctant, to make a complaint yourself. We can take complaints from a friend, relative, or someone who will support you, if you have given them your consent to complain for you.

You can find out about Independent Advocacy Support Workers in your area by contacting the Scottish Independent Advocacy Alliance.

Scottish Independent Advocacy Alliance

- Tel: 0131 556 6443
- Email: enquiry@siaa.org.uk
- Website: www.siaa.org.uk

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help people access and use our services. If you have trouble putting your complaint in writing, or want information in another language or format, such as large print, audio or Braille, please tell us in person, or contact us at the addresses on page one.

Useful Websites

- Scottish Judiciary website: www.judiciary.scot
- Scottish Courts and Tribunals Service: www.scotcourts.gov.uk
- Pensions Appeal Tribunal Scotland: www.patscotland.org.uk
- Pensions Appeal Tribunals (England & Wales): www.gov.uk/war-Pensions-armed-forces-compensation-tribunal
- Pensions Appeals Tribunal (Northern Ireland): www.justice-ni.gov.uk/articles/Pensions-appeal-tribunals
- Crown Office and Procurator Fiscal Service (COPFS): www.copfs.gov.uk
- Judicial Conduct Investigations Office for England and Wales: www.complaints.judicialconduct.gov.uk
- Scottish Legal Complaints Commission: www.scottishlegalcomplaints.org.uk
- Law Society of Scotland: www.lawscot.org.uk
- Police Scotland: www.scotland.police.uk

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